

DECLARATION (37 CFR 1.63) AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name; and

I believe that I am the original, first, and sole inventor (if only one name is listed below), or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Novel *Bacillus thuringiensis* Isolate Active Against Lepidopteran Pests, and Genes Encoding Novel Lepidopteran-Active Toxins, the specification for which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (Patented, Pending, Abandoned)
671,955	June 27, 1989	Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following persons registered to practice before the Patent and Trademark Office as my attorneys with full power of substitution and revocation to prosecute this application and all divisions and continuations thereof and to transact all business in the Patent and Trademark Office connected therewith: Roman Saliwanchik, Reg. No. 21,023; David R. Saliwanchik, Reg. No. 31,794.

I request that all correspondence be sent to:

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Name of Third Joint Inventor _____

Residence _____ Citizenship _____

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Date _____

Signature of Third Joint Inventor

September 19, 1997

Patent Application
Docket No. MA43CDFWC2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : K. Lau
Art Unit : 1814
Applicant(s) : Jewel Payne, August J. Sick
Serial No. : 08/356,034
Filed : December 14, 1994
For : Novel *Bacillus thuringiensis* Isolate Active Against Lepidopteran Pests, and
Genes Encoding Novel Lepidopteran-Active Toxins

Assistant Commissioner for Patents
Washington, D.C. 20231

ASSOCIATE POWER OF ATTORNEY

Sir

I hereby appoint Jeff Lloyd, Reg. No. 35,589; Jay M. Sanders, Reg. No. 39,355; Christine Q. McLeod, Reg. No. 36,213; Doran R. Pace, Reg. No. 38,261; Jean Kyle, Reg. No. 36,987; and Jim Parker, Reg. No. 40,119; as my associates to prosecute this application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office connected therewith, and in any continuation applications, continuations-in-part applications, and divisional applications which may be filed therefrom.

Respectfully submitted,

David Saliwanchik

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